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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,388	05/29/2001	Carl J. G. Evertsz	739-X01-004	7491

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EXAMINER	
TOMASZEWSKI, MICHAEL	
ART UNIT	**PAPER NUMBER**
3626	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/870,388	EVERTSZ, CARL J. G.	
	Examiner	Art Unit	
	Mike Tomaszewski	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1 November 2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 29 May 2001. Claims 1-16 are pending. The IDS statement filed on 1 November 2001 has been entered and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-6, 8, 11-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shile (6,669,482; hereinafter Shile) in view of Buckley et al. (6,551,107; hereinafter Buckley).

(A) As per Claim 1, Shile discloses a computer system for screening of medical cases comprising:

(a) a case stack of cases to be reviewed by a user (Shile: col. 5, lines 60-64);

(b) a user interface component for requesting a consecutive case, for display of the consecutive case, and for entering a diagnosis of the consecutive case (Shile: col. 8, lines 39-41);

(c) a program component for receiving a request for a consecutive case from the user interface, the program component selecting the consecutive case or a known case for the display and the diagnosis (Shile: col. 8, lines 39-41; Examiner considers a graphical user interface (GUI) to read on "program component."); and

(d) a feedback component for outputting a message to the user (Shile: col. 9, lines 50-51)

Shile, however, fails to expressly disclose a computer system for screening of medical cases comprising:

(d) outputting a message to the user if the user diagnosis of the known case is incorrect.

Nevertheless, this feature is old and well known in the art, as evidenced by Buckley. In particular, Buckley discloses a computer system for screening of medical cases comprising:

(d) outputting a message to the user if the user diagnosis of the known case is incorrect (Buckley: col. 7, lines 20-22).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Buckley within the Shile system with the motivation of providing an interactive educational environment (Buckley: col. 3, lines 1-2).

(B) As per Claim 3, Shile discloses the computer system of Claim 1 further comprising a session preparation component for initializing the case stack and for specifying an absolute number or a percentage of known cases to be selected by the program component during the screening of the case stack by the user (Shile: col. 5, lines 2-7, 53-54 and 66-67; col. 6, lines 53-67; col. 7, lines 1-54).

Examiner notes that Shile teaches the creation of various data sets of known cases. As such, the capability of creating (i.e., specifying) a particular number of known cases to be selected during screening of cases is obvious.

(C) As per Claim 4, Shile discloses the computer system of Claim 3 wherein the session preparation component enables specifying a category for the known cases (Shile: col. 5, lines 53-54 and lines 66-67; col. 6, lines 53-67; col. 7, lines 1-54).

Examiner notes that Shile teaches one to create (i.e., specify) various data sets (i.e., categories) of known cases to be used for radiologic training.

(D) As per Claim 5, Shile discloses the computer system of Claim 1 further comprising a user action component for tracing of user input actions and of the feedback component (Shile: col. 8, lines 59-61; col. 9, lines 23-25).

(E) As per Claim 6, Shile Fails to expressly disclose the computer system of Claim 5 further comprising a user action report generation component being coupled to the user action component for generating a user action report for the purposes of quality monitoring and assurance.

Nevertheless, this feature is old and well known in the art, as evidenced by Buckley. In particular, Buckley discloses the computer system of Claim 5 further comprising a user action report generation component being coupled to the user action component for generating a user action report for the purposes of quality monitoring and assurance (Buckley: col. 4, lines 30-33; col. 14, lines 63-67; col. 15-10).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Buckley within the Shile system with the

motivation of providing an interactive educational environment (Buckley: col. 3, lines 1-2).

(F) Claim 8 differs from system Claim 1 by excluding hardware elements, namely, a user interface, a program component and a feedback component. The remainder of method Claim 8 repeats the same limitations of system Claim 8, and is therefore rejected for the same reasons given above for Claim 1, and incorporated herein.

(G) Claims 11-14 substantially repeat the same limitations of Claims 3-6, and are therefore rejected for the same reasons given for those claims.

(H) Claim 16 differs from method Claim 8 by reciting "A computer program product stored on a computer usable medium" and "the computer program comprising program components for carrying out...steps" within its preamble. As per these elements, Shile training system includes a computer, a display monitor, a database and a graphical user interface (Shile: col. 8, lines 21-22, 34-35 and 39-40). As such, it is readily apparent that Shile's training system is controlled by a computer program product stored upon a usable medium.

The remainder of Claim 16 repeats the same limitations of method Claim 8, and is therefore rejected for the same reasons given above for Claim 8, and incorporated herein.

4. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shile in view of Nishikawa et al. (6,058,322; hereinafter Nishikawa).

(A) As per Claim 2, the combined teachings of Shile and Buckley fail to expressly disclose the computer system of Claim 1 further comprising a pseudo-random component for generation of a pseudo-random number, the program component being coupled to the pseudo-random component for determining the selection of the consecutive case or the known case based on the output of the pseudo-random component.

Nevertheless, this feature is old and well known in the art, as evidenced by Nishikawa. In particular, Nishikawa discloses the computer system of Claim 1 further comprising a pseudo-random component for generation of a pseudo-random number, the program component being coupled to the pseudo-random component for determining the selection of the consecutive case or the known case based on the output of the pseudo-random component (Nishikawa: col. 22, lines 20-22).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Nishikawa with the combined teachings of Shile and Buckley with the motivation of providing an automated method and system for displaying medical images (Nishikawa: col. 4, lines 41-46).

Examiner notes also that Shile teaches one to randomly arrange the order of exams (i.e., cases) (See Shile: col. 8, lines 44-45).

(B) Claim 9 substantially repeats the same limitations of Claim 2, and is therefore rejected for the same reason given for Claim 2.

5. Claims 7, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shile in view of Leiper (6,128,022; hereinafter Leiper).

(A) As per Claim 7, Shile discloses the computer system of Claim 1 further comprising a mode selection component for selecting a random mode (Shile: col. 8, lines 44-45).

However, neither Shile nor the combined teachings of Shile and Buckley expressly disclose the computer system of Claim 1 further comprising a fixed mode.

Nevertheless, this feature is old and well known in the art, as evidenced by Leiper. In particular Leiper discloses the computer system of Claim 1 further comprising a fixed mode (Leiper: col. 1, lines 35-37) for the operation of the program component.

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Leiper with the combined teachings of Shile and Buckley with the motivation of providing an apparatus and method for navigation of electronic images and documents that increases the diagnosing physician's efficiency in using the system (Leiper: col. 2, lines 28-32).

(B) Claims 10 and 15 substantially repeat the same limitations of Claim 7, and are therefore rejected for the same reason given for Claim 7.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches an intelligent education and simulation system and method (5,306,154); a computer-aided diagnosis method and system (US 2002/0076091); a universal computer assisted diagnosis (6,021,404); a computer-aided method for automated image feature analysis and diagnosis of digitized medical images (6,011,862); a method, system, and apparatus for medical device training (6,535,714); an ultrasound training apparatus (5,061,187); image neurography and diffusion anisotropy imaging (5,560,360); a visual imaging system for ultrasonic probe (6,540,679); a method and system for computerized learning, response, and evaluation (5,890,911); an electronic learning aid with picture book (4,411,628); an interactive educational apparatus and method (5,820,386); and an apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information (6,283,761).

The cited but not applied prior art also includes a non-patent literature article by Anonymous ("Ampersand Medical Announces Samba Telemedicine Imaging Contract With French Regional Government" Nov. 2000. Vol. 19, Iss. 7. pg. 22.).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT MT. 9.23.05

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER